

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 25-mj-5127

Mario Adalberto Sermeno Lopez

Defendant

AMENDED CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 19, 2025, in the County of Erie, in the Western District of New York, the defendant, an alien, was found in the United States, after previously being removed or deported from the United States, without prior authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Sections 1326(a).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Thomas J. Coffman
Complainant's signature

Thomas J. Coffman
Border Patrol Agent
United States Border Patrol

Printed name and title

Sworn to before me and signed telephonically.

Date: May 21 2025

Michael J. Roemer
Judge's signature

City and State: Buffalo, New York

Honorable Michael J. Roemer
United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN AMENDED CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, Thomas J. Coffman, being duly sworn, deposes and states:

1. I am a Border Patrol Agent with the United States Border Patrol, within the Department of Homeland Security (DHS) and have been so employed for the past fourteen (14) years. In such capacity, my duties include investigating persons who have violated federal immigration laws and other related federal statutes.

2. As part of my current duties, I have become involved in an investigation of a suspected violation of Title 8, United States Code, Section 1326(a).

3. The statements contained in this affidavit are based upon my personal knowledge, review of official records, and upon information provided to me by other U.S. Border Patrol Agents and local law enforcement. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish sufficient probable cause for the requested criminal complaint.

4. I make this affidavit in support of a criminal complaint charging MARIO ADALBERTO SERMENO-LOPEZ (hereinafter "SERMENO"), with a violation of Title 8, United States Code, Section 1326(a) (re-entry of a previously removed alien).

5. On or about March 19, 2025, Buffalo Border Agents were conducting plain clothes surveillance when they spotted a silver truck at a local hotel in Williamsville, New York, in Erie County. While performing surveillance at the hotel, the agents noticed the truck parked in the lot and full of construction supplies. The agents then conducted records checks and discovered that the registered owner, SERMENO, was previously ordered removed from the United States.

6. Later that evening, agents observed the same truck pull into the hotel parking lot again. As the driver was parking, agents approached the truck. The driver then abruptly put the vehicle in reverse and pulled out of the lot. Agents were able to run back to their unmarked government vehicle and follow the truck. Eventually, agents in marked vehicles were able to get behind the vehicle and activate their emergency lights to conduct a vehicle stop.

7. Agents then approached the truck and identified themselves as Border Patrol Agents. They noticed three subjects inside the truck. The driver stated that his name was Mario SERMENO, but then SERMENO immediately locked all the doors and would only slightly open the windows. Agents attempted to capture a photo of SERMENO with their government issued phones in order to verify his identity. However, SERMENO would not stop moving around and the facial recognition would not work.

8. Agents then requested the Depew Police Department to assist. A few minutes later the officers arrived. At that point, SERMENO unlocked the doors. The individuals from the vehicle would not hand their passports to agents on scene and would only hand their passports over to the Depew Police. The Depew Police then handed the passports to the Border Patrol Agents.

9. Agents then contacted sector dispatch and verified the immigration status on all three subjects using the provided passports. Sector dispatch then advised the agents on scene that none of the three subjects had any legal status to be in the United States. All three subjects then admitted to being illegally present in the United States. SERMENO admitted to being a citizen and national of El Salvador and that he did not have any documents that would allow him to be or remain in the United States lawfully. U.S. Border Patrol Agents then took SERMENO into custody.

10. A criminal complaint was filed on April 25, 2025, alleging that SERMENO had a number of prior removals from the United States based on the initial immigration records obtained by the Border Patrol. However, since the filing of the complaint, a full alien registration file (A-File) was received from the National Records Center. A review of the defendant's full A-File revealed that the file for defendant SERMENO had been comingled with that of another alien with the same date of birth and a similar name. This resulted in immigration documents for both aliens being incorrectly linked under the same A-Number instead of in separate files. This inadvertently resulted in a historic removal being included in the original criminal complaint which we can now no longer confirm relates to this defendant. We have since confirmed through booking photos and fingerprints that two of the removals

referenced in the original criminal complaint apply to defendant SERMENO. However, we cannot confirm one historic removal due to the age of the record.

11. Defendant SERMENO was previously removed from the United States as follows:

- a. SERMENO was arrested by the U.S. Border Patrol near Sulphur, Louisiana on April 22, 2009. The defendant was ordered removed by an Immigration Judge on July 6, 2009, and was physically removed from the U.S. through Houston, Texas and returned to El Salvador.
- b. That same year, SERMENO was again found in the United States by the U.S. Border Patrol near Laredo, Texas on or around August 25, 2009. SERMENO's prior removal order was reinstated. He was then physically removed from the United States through Houston, Texas on October 1, 2009.

12. Immigration checks failed to disclose any record that SERMENO had applied for or received the requisite permission to re-enter the United States from the Attorney General or the Secretary of Homeland Security.

WHEREFORE, based on the foregoing, your affiant respectfully submits that there is probable cause to believe that the defendant, Mario Adalberto SERMENO LOPEZ, was found in the Western District of New York, in the United States, after having been previously deported and removed from the United States, without first applying to the Attorney General, or the Secretary for the Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8, United States Code, Sections 1326(a).

Thomas J. Coffman
Thomas J. Coffman
Border Patrol Agent
United States Border Patrol

Sworn and subscribed to me telephonically
this 21st day of May, 2025.

Michael J. Roemer
Hon. Michael J. Roemer
United States Magistrate Judge